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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 6457
INFO ARA CENTRAL AMERICA IMMEDIATE
USMISSION USUN NEW YORK PRIORITY
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DEAHQS WASHDC PRIORITY
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USCINCSO QUARRY HEIGHTS PM PRIORITY

DEPARTMENT OF STATE/ IM/IPS/CR/IR/MS Date: 11/14/97
☒ RELEASE ☐ DECLASSIFY
☐ EXCISE ☐ DECLASSIFY EO Citations
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FOIA Exemptions _____ TS authority to
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CINCSO ALSO FOR POLAD

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E.O. 12356: DECL: OADR
TAGS: PGOV, PREL, GT
SUBJECT: GUATEMALAN PRESIDENTIAL CRISIS: ALL'S WELL
THAT ENDS WELL

1. [REDACTED]

2. SUMMARY: THE GUATEMALAN CONGRESS ELECTED HUMAN RIGHTS OMBUDSMAN RAMIRO DE LEON CARPIO AS PRESIDENT LATE ON THE NIGHT OF JUNE 5. DE LEON PLEDGED IN HIS ACCEPTANCE SPEECH TO RESPECT HUMAN RIGHTS; ABOLISH "CONFIDENTIAL" FUNDS; ESTABLISH A PERMANENT DIALOGUE WITH POPULAR SECTORS; EXPAND LITERACY AND HUMAN RIGHTS EDUCATION PROGRAMS; ADOPT SOUND MACRO-ECONOMIC POLICIES; INCREASE SOCIAL INVESTMENT; RESPECT INTERNATIONAL AGREEMENTS; PURSUE REGIONAL INTEGRATION; SEEK RENEWED INTERNATIONAL AID; AND RE-START THE PEACE PROCESS. END SUMMARY.

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3. HUMAN RIGHTS OFFICER SPENT THE AFTERNOON AND EVENING OF JUNE 5 AT THE GUATEMALAN CONGRESS, WHERE PROCEEDINGS CULMINATED IN THE ELECTION OF RAMIRO DE LEON CARPIO AS THE NATION'S NEW PRESIDENT. THE FOLLOWING REPORT DRAWS ON CONVERSATIONS WITH CONGRESSIONAL LEADERS AND OBSERVERS.

HURRY UP & WAIT

4. ON THE EVENING OF JUNE 4, THE GUATEMALAN CONSTITUTIONAL COURT ORDERED CONGRESS TO ELECT SUCCESSORS FOR PRESIDENT JORGE SERRANO ELIAS AND VICE

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PRESIDENT GUSTAVO ESPINA WITHIN 24 HOURS. CONGRESS PRESIDENT JOSE LOBO DUBON CALLED A SPECIAL SESSION FOR 10:00 AM ON JUNE 5, AND LOCAL TELEVISION STATIONS BEGAN MORE THAN 13 HOURS OF LIVE COVERAGE BY EARLY AFTERNOON. REPRESENTATIVES OF POPULAR GROUPS FILLED PUBLIC GALLERIES BY MIDDAY AND DRAPED BANNERS FROM WALKWAYS ABOVE THE CHAMBER.

5. TELEVISION AND RADIO REPORTERS LOITERED IN THE PUBLIC GALLERY, PRESSURING CONGRESSMEN INTO LIVE INTERVIEWS AS THEY WANDERED IN AND OUT OF THE CHAMBER. MOST CONGRESSMEN REMAINED HIDDEN FROM PUBLIC VIEW, HOWEVER, IN NARROW CORRIDORS AND CRAMPED OFFICES ON THE SECOND AND THIRD FLOORS OF THE CONGRESS BUILDING. OLD, FAMILIAR FACES SEEN MILLING ABOUT INCLUDED ERNESTO CONTRERAS (LEADER OF THE "NETISTA" GROUP THAT TRIED UNSUCCESSFULLY TO SWEAR VICE PRESIDENT ESPINA IN AS PRESIDENT), ELDER VARGAS (AUTHOR OF THE FAILED 1992 ATTEMPT TO SPRING HIS NARCOTRAFFICKER BROTHER, ARNOLDO, FROM PRISON), AND CHRISTIAN DEMOCRAT (DC) LEADERS IN CONGRESS SINCE THE 1985 RETURN TO DEMOCRACY.

NARROWING THE FIELD

6. EARLY PRESIDENTIAL CONTENDERS INCLUDED: HUMAN RIGHTS OMBUDSMAN RAMIRO DE LEON CARPIO; FORMER SUPREME ELECTORAL TRIBUNAL PRESIDENT ARTURO HERBURGER (WHO HAD RESIGNED THAT MORNING TO MAKE HIMSELF ELIGIBLE); CEREZO-ERA FOREIGN MINISTER MARIO QUINONEZ AMEZQUITA (WHO QUIT AFTER DETECTING CORRUPTION THAT WOULD ENGULF THE CEREZO ADMINISTRATION, THUS KEEPING HIS PERSONAL

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REPUTATION INTACT); FORMER SUPREME COURT PRESIDENT EDMUNDO VASQUEZ MARTINEZ (A LEGAL SCHOLAR WHO PROVED ILL ADEPT IN OFFICE AT POLITICAL MANEUVERING); AND FORMER

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CONSTITUTIONAL COURT PRESIDENT JORGE MARIO GARCIA
LAGUARDIA (WHOSE OFFICE FAXED THE EMBASSY A COPY OF THE
JUNE 4 CONSTITUTIONAL COURT DECISION THAT EVENING).

7. BY EARLY AFTERNOON, THE MULTISECTOR COMMISSION
CHARGED WITH NOMINATING THE THREE CANDIDATES MAKE THEIR
CHOICES KNOWN: DE LEON, HERBRUGGER, AND QUINONEZ.
ACCORDING TO CONSERVATIVE PAN PARTY LEADER RODOLFO
MENDOZA, ANTI-CORRUPTION POLITICAL PARTIES (INCLUDING
PAN) AND THE POPULAR SECTOR WERE BEHIND DE LEON; DC,

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CENTRIST (UCN), AND PRO-SERRANO CONGRESSMEN SUPPORTED HERBRUGGER; AND THE BUSINESS SECTOR FAVORED QUINONEZ. BY MID-AFTERNOON, QUINONEZ WAS OUT OF CONTENTION BECAUSE, ACCORDING TO CONSERVATIVE FRG CONGRESSMAN ARTURO SOTO, HE PLACED IMPOSSIBLE CONDITIONS (INCLUDING IMMEDIATE "PURIFICATION" OF CONGRESS AND THE SUPREME COURT) ON HIS CANDIDACY.

RELATIVE MERITS

8. FROM THE OUTSET, ALL OBSERVERS AGREED THAT SERRANO'S SUCCESSOR SHOULD COME FROM NEITHER THE POLITICAL, MILITARY, NOR BUSINESS SECTORS. DE LEON AND HERBRUGGER HAVE PARTICIPATED IN NATIONAL POLITICAL LIFE FOR MANY YEARS, BUT NEITHER IS AN ACTIVE POLITICIAN. THE 51-YEAR-OLD DE LEON WAS AN OBVIOUS CHOICE BECAUSE HE CONSISTENTLY DEFENDED -- AT PERSONAL RISK -- THE RIGHTS SUSPENDED DURING THE SERRANO "SELF-COUP", AND IS WIDELY SEEN AS AN HONEST BROKER AMONG COMPETING SOCIAL SECTORS. THE 81-YEAR-OLD HERBRUGGER EARNED A SPOTLESS REPUTATION FOR HONESTY DURING MANY YEARS PRACTICING LAW AND AS A JUDGE. MOST OBSERVERS AGREED THAT EITHER WOULD BE A SUITABLE PRESIDENT.

9. DE LEON WAS UNDOUBTEDLY THE BETTER CHOICE, HOWEVER.
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HE HAS BEEN A COURAGEOUS, ENERGETIC OMBUDSMAN WHOSE POLITICAL SKILLS SERVED HIM WELL IN MANY CLASHES WITH THE DISCREDITED SERRANO ADMINISTRATION. BY CONTRAST, HERBURGGER IS OLD AND MUCH LESS ENERGETIC. NOBODY DOUBTED HERBRUGGER'S EXCELLENT REPUTATION AND HONESTY, BUT FEW THOUGHT HE HAD THE STAMINA REQUIRED FOR THE PRESIDENCY.

MORE OF THE SAME?

10. IRONICALLY, DE LEON PARTISANS SUSPECTED HERBRUGGER SUPPORTERS OF PUSHING THE IMPECCABLE TSE PRESIDENT'S CANDIDACY TO PERPETUATE CORRUPTION. HERBRUGGER'S REPUTATION AS A STRICT LEGALIST RAISED HOPES HE WOULD OPPOSE "PURIFICATION" ON THE GROUNDS THAT ALL OFFICIALS WERE ENTITLED TO SERVE THEIR FULL, ELECTED TERMS. PAN

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AND THE FRG FEARED THAT IF THE CURRENT CONGRESS EMERGED INTACT, THE TRIPARTITE DC-UCN-MAS COALITION CONTROLLING THE LEGISLATURE FOR THE PAST TWO YEARS COULD CONTINUE DOING SO. PAN AND FRG PARTISANS SPREAD THE RUMOR THAT TRIPARTITE HAGGLING OVER DIVISION OF GOVERNMENT MINISTRIES WAS DELAYING THE PRESIDENTIAL VOTE.

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11. THE POSSIBILITY THAT THE ELDERLY HERBRUGGER WAS MANIPULABLE PROMPTED SPECULATION ON THE VICE PRESIDENCY. THE FRG AND PAN REGISTERED STRONG CONCERNS ABOUT THE NEED FOR A STRONG VICE PRESIDENT (EDGAR HEINEMAN WAS THE FRG FAVORITE). CARLOS ACEVEDO, A "NETISTA" ON THE "PURGE" LIST CIRCULATING IN THE CAPITAL DURING THE PRECEDING WEEK, SAID NEGOTIATORS AGREED TO RESERVE THE VICE PRESIDENCY FOR THE BUSINESS SECTOR; IT

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REMAINS TO BE SEEN IF THAT WAS IN FACT THE CASE.

AMNESTY

12. UCN CONGRESSMAN JORGE SKINNER-KLEE, WHO WOULD SUBSEQUENTLY SUBMIT HERBRUGGER'S FORMAL NOMINATION TO CONGRESS, MENTIONED TO HUMAN RIGHTS OFFICER THAT THE VOTE WAS DELAYED BY MILITARY PRESSURE FOR A GENERAL AMNESTY. WE HAVE NO CONFIRMED DETAILS ON AMNESTY NEGOTIATIONS, BUT A JOURNALIST ENTERED THE DIPLOMATIC GALLERY IN CONGRESS AT ABOUT 1900 SEEKING THE AMBASSADOR FROM URUGUAY. THE JOURNALIST SOUGHT CONFIRMATION THAT AMNESTY TERMS INCLUDED THE TRANSFER AS MILITARY ATTACHE TO URUGUAY OF PRESIDENTIAL STAFF CHIEF GEN. ORTEGA MENALDO. THE SECRET GENTL EMEN'S AGREEMENT GRANTING AMNESTY REPORTEDLY INCLUDED REMOVAL OF GENS. GARCIA,

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PERUSSINA, AND ORTEGA. WHEN JOURNALISTS ASKED DE LEON
 LATER THAT EVENING ABOUT POSSIBLE AMNESTIES, THE NEW
 CHIEF EXECUTIVE SAID HE KNEW OF NO AGREEMENT.
 (COMMENT: AMNESTY DISCUSSIONS ALSO INCLUDED AMNESTIES
 FOR SERRANO AND ESPINA. WE HAVE FORWARDED TEXT OF DRAFT
 AMNESTY DECREE TO DEPARTMENT SEPTEL. END COMMENT.)

CONGRESSIONAL "PURIFICATION"

13. "PURIFICATION" WAS ON EVERYONE'S MIND, BUT NEVER
 ADDRESSED OPENLY. LABOR LEADERS TOLD HUMAN RIGHTS
 OFFICER OF THEIR STRONG COMMITMENT TO CONGRESSIONAL AND
 SUPREME COURT "PURIFICATION", CLAIMING THEY WOULD
 WITHDRAW FROM THE JUNE 4 NATIONAL CONSENSUS COMMISSION
 AGREEMENT IF THERE WERE NO CHANGES. A PAN PARTY MEMBER
 REPORTED RUMORS THAT, IF ELECTED, DE LEON WOULD CALL A
 NATIONAL REFERENDUM ON THE THREE BRANCHES OF
 GOVERNMENT. THE REFERENDUM WOULD HOPEFULLY PROVIDE THE
 NEW PRESIDENT WITH A POPULAR MANDATE, AND INCREASE

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PRESSURE FOR "PURIFICATION." BUT CONGRESSMEN TARGETTED FOR "PURIFICATION" WILL RESIST: CONGRESS PRESIDENT LOBO, WHO WAS BOOED BY THE CROWD WHEN HE ADDRESSED CONGRESS AFTER DE LEON'S ELECTION, TOLD A JOURNALIST HE FAVORED "PURIFICATION" BY LEGAL MEANS ONLY. (COMMENT: WHILE WE DOUBT THAT OTHERS ARE PUBLICLY ADVOCATING

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ILLEGAL PURIFICATION, LOBO DUBON'S REMARKS PRESUMABLY POINT TO MAXIMUM BUREAUCRATIC DELAY AND LEGAL OBSTACLES.)

THE GAME BEGINS

14. CONGRESS FINALLY CONVENED AT DUSK. ANY DOUBT THAT DE LEON WOULD ACCEPT THE PRESIDENCY DISAPPEARED WHEN AN OMBUDSMAN'S OFFICE STAFFER PASSED OUT COPIES OF HIS RESUME IN THE DIPLOMATIC GALLERY. UNKNOWN INDIVIDUALS ALSO PASSED OUT COPIES OF THE AFTERNOON DAILY NEWSPAPER "LA HORA", THE HEADLINE OF WHICH READ "DC AND UCN TORPEDO RAMIRO DE LEON CARPIO", A REFERENCE TO FEARS THAT ESTABLISHED PARTIES WERE SABOTAGING THE OMBUDSMAN'S CANDIDACY BEHIND THE SCENES.

15. CONGRESSIONAL PROCEEDINGS BOGGED DOWN FOR MORE THAN AN HOUR OVER DETAILS THAT HAD TO PROCEED THE ELECTION BEFORE THE "BLOC FOR CHANGE" ("BANCADA DEL CAMBIO") -- A UCN DISSIDENT FACTION -- NOMINATED DE LEON. THE UCN'S SKINNER-KLEE THEN NOMINATED HERBRUGGER. GALLERY SENTIMENT WAS CLEAR FROM THE BEGINNING, WHEN DE LEON'S NOMINATION DREW CHEERS, AND HERBRUGGER'S WAS BOOED.

VOTING BLOCS & VOTING BLOCKS

16. VOTING BEGAN AT APPROXIMATELY 2200. NEITHER CANDIDATE RECEIVED THE REQUIRED TWO-THIRDS MAJORITY ON THE FIRST BALLOT: DE LEON RECEIVED 64 VOTES AND HERBRUGGER OBTAINED 51. ALL BALLOTS WERE SECRET, SO IT IS DIFFICULT TO DETERMINE WHO VOTED FOR WHOM. WE BELIEVE, HOWEVER, THAT THE PAN (12 VOTES), FRG (6), AND

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CAMBIO (4) BLOCS FAVORED DE LEON, WHILE THE UCN (17) AND MAS (23) PARTIES SUPPORTED HERBRUGGER. A SIGNIFICANT MAJORITY OF THE REMAINDER VOTED FOR DE LEON, ALTHOUGH THE DC (23) WAS REPORTEDLY SPLIT, AND THE "NETISTAS" (15) HAD GOOD REASONS FOR VOTING FOR EITHER CANDIDATE: THEY MIGHT HAVE SUPPORTED DE LEON TO PERMANENTLY DISQUALIFY ARCHENEMY AND UCN LEADER JORGE CARPIO FROM BECOMING PRESIDENT (THE CONSTITUTION PREVENTS CERTAIN RELATIVES OF PAST PRESIDENTS FROM EVER

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BECOMING PRESIDENT; IN THIS CASE, FIRST COUSIN DE LEON'S ELECTION DISQUALIFIED CARPIO). THE "NETISTAS" MIGHT ALSO HAVE BACKED HERBRUGGER, HOWEVER, BECAUSE HE WAS THOUGHT LESS WILLING TO "PURIFY" CONGRESS (VIRTUALLY ALL "NETISTAS" ARE ON THE "PURIFICATION" LIST). VOTES OF SMALLER PARTIES AND INDEPENDENTS WERE EQUALLY UNPREDICTABLE.

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HERBRUGGER CONCEDES

17. VOTING MIGHT HAVE CONTINUED THROUGH SUCCESSIVE
ROUNDS HAD HERBRUGGER NOT DECIDED TO WITHDRAW IN FAVOR OF
DE LEON. LOCAL TELEVISION CALLED HERBRUGGER TO CONFIRM
HIS DECISION TO WITHDRAW. IN A TELEPHONE INTERVIEW,
HERBRUGGER OBSERVED THAT HE WAS OLD AND TIRED, AND READY
FOR RETIREMENT. CONGRESS THEN VOTED A SECOND TIME TO
MAKE THE ELECTION OFFICIAL. ON THE SECOND BALLOT, DE
LEON RECEIVED 106 VOTES AND THERE WERE 9 VOID VOTES.

DE LEON SPEAKS

18. DE LEON ARRIVED AT CONGRESS WELL AFTER MIDNIGHT,
WAS SWORN IN, AND DELIVERED AN ACCEPTANCE SPEECH (TEXT
REPORTED IN FULL REFTEL), PLEDGING HIS GOVERNMENT'S
SUPPORT FOR:

- RESPECT OF HUMAN RIGHTS (ESPECIALLY FREEDOM OF THE
PRESS;
 - "TRANSPARENT" GOVERNMENT WITHOUT CONFIDENTIAL FUNDS;
 - PERMANENT DIALOGUE WITH POPULAR SECTORS;
 - LITERACY AND HUMAN RIGHTS EDUCATION PROGRAMS;
 - SOUND MACRO-ECONOMIC POLICIES (NO SPECIFICS);
 - INCREASED SOCIAL INVESTMENT;
- ~~CONFIDENTIAL~~

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- REGIONAL INTEGRATION;
- RENEWED INTERNATIONAL AID; AND
- THE PEACE PROCESS.

WINNERS

19. THE END OF GUATEMALA'S CONSTITUTIONAL CRISIS RAISES
THE QUESTION OF WHO WON AND WHO LOST. FROM OUR
PERSPECTIVE, WINNERS OTHER THAN DE LEON INCLUDED:

- DEMOCRACY: GUATEMALA EMERGES FROM THE CRISIS WITH
THE CONSTITUTION INTACT. HAVING EMERGED INTACT FROM
ITS TRIAL BY FIRE, DEMOCRACY SHOULD BE STRONGER.
- PEACE PROCESS: SERRANO'S "SELF-COUP" DESTROYED
PROSPECTS FOR PEACE. DE LEON RENEWS THE POSSIBILITY
OF A NEGOTIATED SETTLEMENT.
- MILITARY: THE GUATEMALAN ARMY SHOWED REMARKABLE
INSTITUTIONAL RESTRAINT. INDIVIDUAL STARS INCLUDE
GEN. ENRIQUEZ AND COL. PEREZ MOLINA, WHO TALKED

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SUPERIORS INTO WITHDRAWING SUPPORT FROM SERRANO
BASED ON HIS VIOLATION OF THE CONSTITUTION WHILE
REFUSING TO SEIZE GOVERNMENT POWER FOR THEMSELVES.

- POPULAR SECTORS: DE LEON IS MORE SYMPATHETIC TO
POPULAR SECTOR DEMANDS THAN ANY PREVIOUS GUATEMALAN
PRESIDENT SINCE JACOBO ARBENZ IN THE EARLY 50'S.
- HERBRUGER: HERBRUGER'S WITHDRAWAL FROM THE
PRESIDENTIAL RACE WAS THE FIRST -- AND PROBABLY ONLY
-- SELFLESS ACT DURING THE CRISIS. HE EARNED, AND
WILL RECEIVE, THE PRAISE OF HIS COUNTRYMEN NOT
PREJUDICED AGAINST DE LEON.
- ARZU: DE LEON'S VICTORY MAKES THE PAN LEADER THE

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FRONTRUNNER FOR THE 1995 PRESIDENTIAL ELECTION
BECAUSE THE TWO OTHER STRONGEST CANDIDATES -- NEW
PRESIDENT DE LEON AND HIS FIRST COUSIN, UCN LEADER
JORGE CARPIO -- ARE NOW INELIGIBLE.

LOSERS

20. LOSERS INCLUDE:

- SERRANO & ESPINA: SERRANO AND ESPINA HAVE NO LEGAL
CLAIMS TO THEIR FORMER OFFICES. SERRANO IS DESTINED
(AT LEAST IN THE SHORT TERM) FOR EXILE, AND ESPINA
MAY FOLLOW. HISTORY WILL BE HARSH TO SERRANO.
- TOP MILITARY COMMAND: WE EXPECT GENS. GARCIA,
PERUSSINA, AND ORTEGA TO BE REMOVED FROM THEIR
CURRENT POSITIONS.

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- JORGE CARPIO: DE LEON'S VICTORY SPELLS THE END OF THE UCN LEADER'S LONG QUEST FOR THE PRESIDENCY, UNLESS THE CONSTITUTION IS MODIFIED.
- CONGRESS AND SUPREME COURT: EXPECTATIONS OF A PURIFICATION ARE HIGH -- THE LEGAL PROCEDURES TO DO THAT ARE NOT YET CLEAR. IF THERE IS NO PURIFICATION, THEIR REPUTATIONS WILL SINK EVEN LOWER.
- ACISCLO VALLADARES: THE FORMER ATTORNEY GENERAL PROVIDED LEGAL ADVICE AND TRIED TO ENDEAR HIMSELF TO SERRANO AND ORTEGA AFTER THE "SELF-COUP." HIS ROLE AS LEGAL ADVISOR TO ESPINA HAS BEEN MADE PUBLIC, TARNISHING THE ONE-TIME CRUSADER AGAINST CORRUPTION WITH THE TAR OF THE DISCREDITED SERRANO ADMINISTRATION. THE PRESS REPORTS HE IS NO LONGER REPRESENTING ESPINA.

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